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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
**MALLET ET AL.**

Serial No.: 09/831,335

Filed: MAY 8, 2001

Title: **NOVEL SYSTEM FOR REGULATING  
TRANSGENE EXPRESSION**



Examiner: UNASSIGNED

Art Unit: UNASSIGNED

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INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. 1.56, 1.97 AND 1.98

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants submit herewith patents, publications, and other information of which they are aware, which they believe may be material, as defined in 37 C.F.R. 1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. 1.56(a). While the information referred to in this Information Disclosure Statement may be material pursuant to 37 C.F.R. 1.56(b), the filing of this Information Disclosure Statement is not intended to, pursuant to 37 C.F.R. 1.97(h), constitute an admission that any patent, publication or other information referred to is, or is considered to be, material to the patentability of this invention. Pursuant to 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information exists.

- ☒ (a) This Information Disclosure Statement is filed within the period set forth in §1.97(b) because it accompanies the new patent application submitted herewith, is filed within three months of the filing date of a national application or within three months of the date of entry of the national stage as set forth in §1.491 in an international application, or is believed to be filed before the mailing date of a first Office Action on the merits, whichever event occurs last. However, in the event that the first office action has been mailed, the Commissioner is authorized to charge any fees under 37 C.F.R. 1.17(p) or credit any overpayment to Account No. 18-1982.

- ☐ (b) This Information Disclosure Statement is filed after the period set forth in 37 C.F.R. 1.97(b), but is believed to be filed before the mailing date of a final action under § 1.113 or a notice of allowance under § 1.311, whichever occurs first.
- ☐ (1) The undersigned attorney certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement;
- ☐ (2) The undersigned attorney certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned attorney after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement; or
- ☐ (3) This Information Disclosure Statement is accompanied by a transmittal letter in which payment of the fee set forth in § 1.17(p) and required by 37 C.F.R. 1.97(c) is authorized.

Respectfully submitted,



William C. Coppola, Reg. No. 41,686  
Attorney/Agent for Applicant

Aventis Pharmaceuticals Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, NJ 08807-0800  
Telephone (908) 231-4854  
Telefax (908) 231-2626

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FORM PTO-1449 (Modified)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. <b>ST98036</b>	SERIAL NO. <b>09/831,335</b>
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)		APPLICANT <b>MALLET et al.</b>	
		FILING DATE <b>MAY 8, 2001</b>	GROUP <b>UNASSIGNED</b>

## U.S. PATENT DOCUMENTS

EXAMINER INITIALS			DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLAS S	FILING DATE IF APPROPRIATE
		AA	5	6	5	0	2	9	8	7/22/98	Bujard et al			

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	*		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLAS S	TRANSLATION YES NO
		AB	9	8	3	7	1	8	5	8/27/98	WO			
		AC	9	7	2	0	4	6	3	6/12/97	WO			

## OTHER DOCUMENTS

EXAMINER INITIALS	*		AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.
		AD	Hu et al. "Development of An Adenovirus Vector With Tetracycline-Regulatable Human Tumor Necrosis Factor Alpha Gene Expression" Cancer Research 57(16):3339-3343 (1997).
		AE	Corti et al. "Intracerebral Tetracycline-dependent Regulation of Gene Expression in grafts of Neural Precursors." Neuroreport 7(10):1655-1659 (1996).
		AF	Horellou et al. "Direct Intracerebral Gene Transfer of an Adenoviral Vector Expressing Tyrosine Hydroxylase in a Rat Model of Parkinson's Disease." Neuroreport 4:49-53 (1994).
		AG	Adra et al. "Cloning and Expression of ouse pgk-1 gene and the Nucleotide Sequence of its Promoter." Gene 60(1):65-74 (1987).
		AH	Corti et al. "A single adenovirus vector mediates doxycycline-controlled expression of tyrosine hydroxylase in brain grafts of human neural progenitors." Nature Biotechnology 17(4):349-354 (1999).
		AI	Ridet et al. "Toward autologous ex vivo gene therapy for the central nervous system with human adult astrocytes." Hum. Gene Therap. 10(2):271-280 (1999).
		AJ	Bohl et al. "Control of erythropoietin delivery by doxycycline in mice after intramuscular injection of adeno-associated virus." Blood 92(5):1512-1517 (1998).

EXAMINER

DATE CONSIDERED